

Membership Balance Plan
Vietnam War Commemoration Advisory Committee

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Vietnam War Commemoration Advisory Committee (“the Committee”).
2. Mission/Function: The Committee provides the Secretary of Defense and the Deputy Secretary of Defense, through the Deputy Chief Management Officer (DCMO), independent advice and recommendations on how to best achieve the following objectives in commemorating the 50th Anniversary of the Vietnam War, as referenced in section 598(c) of Public Law 110-181:
 - a. Thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans;
 - b. Highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces;
 - c. Pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War;
 - d. Highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War; and
 - e. Recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.
3. Points of View: The Committee is composed of no more than 20 members who represent Vietnam Veterans, their families, and the American public. Candidates for the Committee will be selected from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, candidates from nongovernmental organizations that support veterans or contribute to the public’s understanding of the Vietnam War will be selected.

The Department of Defense (DoD), in selecting potential candidates for the Committee, reviews the experience and professional credentials of individuals and bases its selections on this review and the subject matters being handled by the Committee. The Department has found that viewing complex issues through a multi-discipline advisory committee provides the Department and, more importantly, the American public with a broader understanding on which to base subsequent policy decisions.

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Each Committee member is appointed to provide advice to the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Committee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a).

The Committee's membership balance is not static, and the Secretary of Defense or the Deputy Secretary of Defense may change the membership based upon work assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or the DCMO, as the Committee's Sponsor. In addition, the DoD, unless otherwise instructed by statute or presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting potential candidates for this Committee, reviews the experience and professional credentials of individuals who represent Vietnam Veterans, their families, and the American public. These individuals may come from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, DoD looks for candidates from nongovernmental organizations that support veterans or contribute to the public's understanding of the Vietnam War.

Once potential candidates are identified, the Designated Federal Officer (DFO), in consultation with the Committee's staff, reviews the credentials of each individual and narrows the list of potential candidates before forwarding the list to the DCMO for review. During the DCMO's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Committee to achieve expertise in points of view regarding anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the Special Assistant to the Secretary of Defense for White House Liaison and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan and guidance issued by the Office of Management and Budget concerning registered Federal lobbyists. Following this review, the DCMO discusses the appointments with and obtains the approval of the Secretary of Defense or the Deputy Secretary of Defense to proceed with the appointments. Pursuant to DoD policy, only the

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Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD-established or supported advisory committees and subcommittees, unless otherwise directed by statute or presidential directive.

The DCMO as the Committee's Sponsor is authorized to administratively certify the appointment of Committee members that were previously approved by the Secretary of Defense or the Deputy Secretary of Defense, and the Advisory Committee Management Officer is authorized to administratively certify the annual renewal of appointment of those members previously appointed.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Committee for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Committee, to include its subcommittees.

Membership vacancies for the Committee and subcommittees will be filled in the same manner as described in the previous six paragraphs.

6. Subcommittee Balance: The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee.

All subcommittee members will be appointed in the same manner as Committee members. The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Committee. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal officers or employees will be appointed to serve as RGE members pursuant to 41 C.F.R. § 102-3.130(a).

7. Other: As nominees are considered for appointment to the Committee, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: January 14, 2015